

REMARKS

The Official Action dated April 9, 2003, has been carefully considered. Accordingly, the changes presented herewith, taken with the following remarks, are believed sufficient to place the present invention in condition for allowance. Reconsideration and allowance of all remaining claims is respectfully requested.

Claims 2, 4-8, 10-29 and 36 have been amended, and claim 37 has been added, all of which find support in the specification as filed. It is believed that these changes and additions do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested. Claims 1-2 and 4-37 remain in the application for consideration.

In the Official Action, the Examiner required restriction under 35 U.S.C. § 121 between claims 1-29 and 36 (Group I) and claims 30-35 (Group II). Applicants hereby affirm the provisional election with traverse to prosecute claims 1-29 and 36 originally made by telephone on April 3, 2003. This election is made with traverse on the basis that continued examination of all claims in this application would not be unduly burdensome, particularly since claims 30-34 depend directly or indirectly from claim 1. Accordingly, reconsideration of the restriction requirement and examination of claims 1-2 and 4-37 are respectfully requested.

Examiner has requested that under 35 U.S.C. § 119(b) Applicants provide certified copies of references PCT/US00/34907, PCT/US00/34906, PCT/US00/20255 and PCT/US00/19619 of which Applicants claim priority to in this application. Certified copies will soon follow this response and once received Applicants request that this is noted in the record.

In the Official Action, claims 14-19 and 22-27 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim

the subject matter Applicants regard as the invention. This rejection is traversed and reconsideration is requested. While Applicants believe the original claims were clear, present claims further clearly define the invention, whereby the Applicants believe that the rejection under 35 U.S.C. § 112, second paragraph, has been overcome.

In the Official Action, claims 1-18 and 20-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Culshaw et al U.S. Patent 5,202,050 (hereinafter referred to as "Culshaw et al") in view of Japanese reference JP 8-151597 (hereinafter referred to as "JP '597"). The Examiner asserted that Culshaw et al disclose hard surface cleaning compositions which contain a binary mixture of an organic solvent and a narrowly defined chelating agent, but that Culshaw et al fail to teach adding particles of smectite clay having a platelet size of less than 100 nm or a cleaning composition having the specific physical parameters containing a soil swelling agent, a smectite clay with a particle size of less than 100 nm, and other requisite components of the composition recited in the claims. The Examiner also asserted that the broad teachings of Culshaw et al would encompass compositions having the same flow viscosity, shear thinning properties, and other physical parameters as set forth by the claims. The Examiner further alleged that the deficiencies of Culshaw et al are taught by JP '597, which the Examiner asserted discloses a liquid detergent composition containing a clay mineral having an average particle diameter of 10 to 5000 nm and anionic and nonionic surfactants.

However, as will be set forth in detail below, it is submitted that the hard surface cleaning compositions as defined by claims 1-2, 4-18 and 20-28 are non-obvious over and patentably distinguishable from Culshaw et al in view of JP '597. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

The hard surface cleaning compositions of the present invention, as defined by claim 1, on which claims 2, 5-8, 10-18, 20-21 and 28 depend, include a composition comprising a

soil swelling agent and a thickening system comprising a synthetic smectite type clay thickening agent having an average platelet size of less than about 100 nm. According to claim 4, from which claims 22-27 depend, the hard surface cleaning composition comprises an organic solvent system and a synthetic smectite type clay thickening agent having an average platelet size of less than about 100 nm, wherein the organic solvent system comprises at least one solvent component acting as a soil swelling agent. Furthermore, claim 9 recites a composition comprising a soil swelling agent and a shear-thinning thickening system such that the composition has a viscosity greater than about 1 Pa s at 6 rpm, lower than about 2 Pa s at 30 rpm, and lower than about 1 Pa s at 60 rpm; and wherein the composition, when sprayed on a vertical stainless steel surface, has a flow velocity less than about 1 cm/s.

The compositions defined by claims 1, 4 and 9 are advantageous in that they have sufficiently low viscosity to allow application by spraying, while they also exhibit sufficiently low flow velocity to avoid runoff from surfaces to which they are applied.

In contrast, Culshaw et al disclose a cleaning composition containing a binary mixture of an organic solvent and a narrowly defined organic chelating agent. Culshaw et al teach that the organic solvent includes a solvent selected from the group of glycol ethers and diols having 6 to 16 carbon atoms in their molecular structure and the chelating agent consists essentially of an agent selected from the group consisting of carboxymethyltartronic acid, tetrahydrofurantetracarboxylic acid, combinations of tartrate monosuccinic acid and tartrate disuccinic acid, oxydisuccinic acid, and mixtures thereof or their alkali metal salts (col. 9, lines 11-21). Moreover, the benefits of the compositions taught by Culshaw et al occur with these specific organic chelating agents and organic solvents (col. 5, lines 30-32). In addition, these compositions of Culshaw et al have a pH from 5 to 11 (col. 7, lines 53-55). Further, Culshaw et al broadly teach the addition of hydrotropes as potential optional ingredients (col. 6, lines 26-32). However, Applicants find no teaching or suggestion by Culshaw et al of a

cleaning composition having a soil swelling agent in combination with a thickening system as defined by claim 1, particularly where the thickening system includes a thickening agent having an average platelet size of less than about 100 nm.

The deficiencies of Culshaw et al with respect to claim 1, from which claims 2, 5-8, 10-18, 20-21 and 28 depend, are not resolved by JP '597. Moreover, Culshaw et al in combination with JP '597 do not render the limitations of claims 2, 5-8, 10-18, 20-21 and 28 obvious. Applicants find no teaching or suggestion by these references relating to hard surface cleaning compositions comprising a soil swelling agent in combination with a thickening system as defined in claim 1. Rather, Culshaw et al merely teach a method for cleaning a hard surface with a binary mixture of organic solvent and chelating agent, while JP '597 only broadly discloses particles of clay minerals in combination with various compositions (see JP '597 abstract), but provides no teaching or suggestion relating to cleansing compositions as employed in the present claims 1-2, 5-8, 10-18, 20-21 and 28.

It is well settled that to support a rejection under 35 U.S.C. § 103, a reference must provide an enabling disclosure, i.e., it must place the claimed invention in the possession of the public. *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). The combination of Culshaw et al and JP '597 does not result in the hard surface cleaning composition of claims 1-2, 5-8, 10-18, 20-21 and 28, which require the combination of a soil swelling agent and a thickening system.

Furthermore, obviousness is tested by "what the combined teachings of the references would have suggested to those of ordinary skill in the art." *In re Keller*, 642 F.2d 413, 425, 208 U.S.P.Q. 871, 881 (CCPA 1981). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys., Inc. v. Montefiore Hosp. et al*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). And "teachings of references can

be combined only if there is some suggestion or incentive to do so." *Id.* Therefore, "when determining the patentability of a claimed invention which combines two known elements, 'the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.'" *In re Beattie*, 974 F.2d 1309, 1311-12, 24 U.S.P.Q.2d (BNA) 1040, 1042 (Fed. Cir. 1992) (quoting *Lindemann*, 730 F.2d at 1462, 221 U.S.P.Q. (BNA) at 488). *Culshaw et al* and JP '597 do not teach or suggest a composition as defined by claim 1, which sufficiently provides low viscosity suitable for spraying the composition on soiled surfaces and low flow velocity which effectively allows a user to apply the composition on vertical or inclined surfaces without runoff. As such, *Culshaw et al* in view of JP '597 does not render claim 1 obvious.

Moreover, the deficiencies of *Culshaw et al* with respect to claim 4, from which claims 22-27 depend, are not resolved by JP '597. Once again, a reference must provide an enabling disclosure, i.e., it must place the claimed invention in the possession of the public. *In re Payne*, *supra*. As disclosed, the combination of *Culshaw et al* and JP '597 does not result in the hard surface cleaning composition of claims 4 and 22-27 which set forth the combination of an organic solvent system and a synthetic smectite type clay thickening agent, wherein the organic solvent system includes at least one solvent component acting as a soil swelling agent. As previously noted, in order to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. *In re Dance*, 160 F.3d 1339, 1343, 48 U.S.P.Q.2D (BNA) 1635, 1637 (Fed. Cir. 1998); *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. (BNA) 1125, 1127 (Fed. Cir. 1984). As such, *Culshaw et al* and JP '597 fail to teach a hard surface cleaning composition having an organic solvent system including a soil swelling agent. Particularly, where *Culshaw et al* and JP '597 do not teach or suggest a composition which provides the user a

product having good sprayability and cling properties making it easy for the user to apply and use, particularly on vertical or inclined surfaces. As such, Culshaw et al in view of JP '597 do not render claim 4 obvious.

✓ Finally, the deficiencies of Culshaw et al with respect to claim 9 are also not resolved by JP '597. As before, a reference must provide an enabling disclosure, i.e., it must place the claimed invention in the possession of the public. *In re Payne*, supra. The combination of Culshaw et al and JP '597 does not result in the hard surface cleaning composition of claim 9 which recites the combination of a soil swelling agent and a shear-thinning thickening system, such that the composition has particular viscosity and flow velocity characteristics pertaining to the present inventive composition. As previously noted, in order to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. *In re Dance*, supra.; *In re Gordon*, supra. As such, Culshaw et al and JP '597 fail to teach a hard surface cleaning composition having a soil swelling agent and a shear-thinning thickening system which provide the composition with a viscosity great than about 1 Pa s at 6 rpm, lower than about 2 Pa s at 30 rpm, and lower than about 1 Pa s at 60 rpm. This inventive composition effectively provides good sprayability and cling properties not previously taught or suggested by Culshaw et al or JP '597. As such, Culshaw et al in view of JP '597 do not render claim 9 obvious.

It is therefore submitted that the cleaning compositions as defined by claims 1-2, 5-8, 10-18, 20-21 and 28 are non-obvious over and patentably distinguishable from Culshaw et al in combination with JP '597 and the rejection of claims 1-2, 4-18 and 20-28 under 35 U.S.C. § 103 has been overcome. Reconsideration is respectfully requested.

Also in the Official Action, claims 1-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Feng U.S. Patent 5,929,007 (hereinafter referred to as "Feng") in

view of Culshaw et al and JP '597. The Examiner asserted that Feng discloses an alkaline aqueous hard surface cleaning composition wherein the composition includes an amine oxide, chelating agent, caustic component, and a glycol ether solvent system having one glycol ether or glycol ether acetate solvent, but that Feng fails to teach adding particles having a platelet size of less than 100 nm or a cleaning composition having the specific physical parameters containing a soil swelling agent, a smectite clay with a particle size of less than 100 nm, and other requisite components of the composition recited in the claims. The Examiner also asserted that the broad teachings of Feng in combination with Culshaw et al and JP '597 would encompass compositions having the same flow viscosity, shear thinning properties, and other physical parameters as set forth by the claims. The Examiner further alleged that the deficiencies of Feng are taught by JP '597, asserting that JP '597 discloses a liquid detergent composition containing a clay mineral having an average particle diameter of 10 to 5000 nm and anionic and nonionic surfactants.

However, as will be set forth in detail below, it is submitted that the hard surface cleaning compositions as defined by claims 1-2 and 4-28 are non-obvious over and patentably distinguishable from Feng in view of Culshaw et al and JP '597. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Feng teaches aqueous cleaning compositions including at least one nonionic surfactant, chelating agent, caustic component, a glycol ether solvent system having one glycol ether or glycol ether acetate solvent, water soluble amine containing organic compound and soil anti-redeposition agent. In addition, Feng discloses that the water soluble amine containing organic compound is effective as a protein denaturant (col. 4, lines 7-9). However, Applicants find no teaching or suggestion by Feng of a cleaning composition having a soil swelling agent in combination with a thickening system as defined by claim 1, particularly where the thickening system includes a thickening agent having an average

platelet size of less than about 100 nm.

✓ The deficiencies of Feng with respect to claim 1, from which claims 2, 5-8, 10-21 and 28 depend, are not resolved by Culshaw et al or JP '597. Moreover, Feng in combination with Culshaw et al and JP '597 do not render the limitations of claims 2, 5-8, 10-21 and 28 obvious. As taught, the combination of Feng, Culshaw et al and JP '597 does not result in hard surface cleaning compositions of claim 1, which sets forth the combination of a soil swelling agent and a thickening system. Rather, Feng merely teaches a cleaning composition primarily containing a nonionic surfactant, caustic component and a glycol ether solvent system, while Culshaw et al only broadly discloses a method for cleaning a hard surface with a binary mixture including an organic solvent and chelating agent and JP '597 discloses particles of clay minerals in combination with various components, but none of these references provide a teaching or suggestion relating to cleaning compositions as recited in the present claims 1-2, 5-8, 10-21 and 28.

To establish prima facie obviousness of the claimed invention, all the claim limitations must be taught or suggested by the prior art, *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). As disclosed, the combination of Feng, Culshaw et al and JP '597 does not result in the hard surface cleaning composition of claims 1-2, 5-8, 10-21 and 28, which require the combination of a soil swelling agent and a thickening system.

As recited above, obviousness is tested by "what the combined teachings of the references would have suggested to those of ordinary skill in the art." *In re Keller*, supra. But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys., Inc. v. Montefiore Hosp. et al*, supra. And "teachings of references can be combined only if there is some suggestion or incentive to do so." *Id.* Therefore, "when determining the patentability of a claimed invention which combines two known elements, 'the question is

whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination." *In re Beattie*, supra. Here, the Examiner contends that the combination of Feng with Culshaw et al and JP '597 provides a teaching of the inventive compositions, however, these references fail to teach or suggest such a composition including a soil swelling agent with a thickening system as defined by claim 1. Moreover, the critical inquiry is whether there is something in the prior art as a whole to suggest the desirability of making the combination, *In re Newell*, 13 U.S.P.Q.2d 1248 (Fed. Cir. 1989), but neither Feng, Culshaw et al nor JP '597 provide any suggestion or teaching of the use of soil swelling agents capable of readying food soil for removal from cookware and tableware type surfaces. Particularly, where these references do not teach or suggest a composition which provides good sprayability and cling such that the composition can be effectively applied and used for cleaning especially on vertical or inclined surfaces. As such, Applicants do not believe that Feng in view of Culshaw et al and JP '597 renders claim 1 obvious.

Moreover, the deficiencies of Feng with respect to claim 4, from which claims 22-27 depend, are not resolved by Culshaw et al or JP '597. Once again, a reference must provide an enabling disclosure, i.e., it must place the claimed invention in the possession of the public. *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). As disclosed, the combination of Feng, Culshaw et al and JP '597 does not result in the hard surface cleaning composition of claims 4 and 22-27 which set forth the combination of an organic solvent system and a synthetic smectite type clay thickening agent, wherein the organic solvent system includes at least one solvent component acting as a soil swelling agent. As previously noted, in order to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. *In re Dance*, supra.; *In re Gordon*, supra. As such, Feng, Culshaw et al and JP '597 fail to teach a hard surface cleaning composition

having an organic solvent system, including at least one soil swelling agent, and a synthetic smectite type clay thickening agent. Particularly, those references fail to teach or suggest such a composition having good sprayability and cling properties making it effective for cleaning, especially on vertical or inclined surfaces. As such, Culshaw et al in view of JP '597 do not render claim 4 obvious.

Finally, the deficiencies of Feng with respect to claim 9 are also not resolved by Culshaw et al or JP '597. As before, a reference must provide an enabling disclosure, i.e., it must place the claimed invention in the possession of the public. *In re Payne*, supra. The combination of Feng, Culshaw et al and JP '597 does not result in the hard surface cleaning composition of claim 9 which recites the combination of a soil swelling agent and a shear-thinning thickening system, such that the composition has particular viscosity and velocity characteristics pertaining to the present inventive composition. Once again, there must be some motivation, suggestion or teaching to hold the specific inventive composition to be obvious, but Feng, Culshaw et al and JP '597 provide no such teaching, especially of a composition having the viscosity and flow velocity combination which provides good sprayability and cling to the composition when applied to soiled surfaces. As such, Culshaw et al and JP '597 fail to teach a hard surface cleaning composition having a soil swelling agent and a shear-thinning thickening system providing the composition with a viscosity great than about 1 Pa s at 6 rpm, lower than about 2 Pa s at 30 rpm, and lower than about 1 Pa s at 60 rpm. As such, Feng in view of Culshaw et al or JP '597 do not render claim 9 obvious.

It is therefore submitted that the cleaning compositions as defined by claims 1-2 and 4-28 are non-obvious over and patentably distinguishable from Feng in combination with Culshaw et al and JP '597 and the rejection of claims 1-2 and 4-28 under 35 U.S.C. § 103 has been overcome. Reconsideration is respectfully requested.

Claim 29 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Culshaw

et al in view of JP '597 or Feng in view of Culshaw et al and JP '597 as applied to the rejection of claim 1, from which claim 29 depends, and further in view of the Ofosu-Asante U.S. Patent 5,739,092 (hereinafter referred to as "Ofosu-Asante"). The Examiner noted that none of these previously cited references taught the use of a divalent cation in addition to the other requisite components of the composition as recited in claim 29. The Examiner relied on Ofosu-Asante as teaching a liquid or gel dishwashing detergent composition containing alkyl ethoxy carboxylate surfactant and calcium or magnesium ions, and that the presence of such calcium or magnesium ions can improve the cleaning of greasy soils for compositions, manifest mildness to the skin, and provide good storage stability.

However, as will be set forth in detail below, it is submitted that the hard surface cleaning composition as defined by claim 29 is non-obvious over and patentably distinguishable from Culshaw et al, Feng and JP '597 in view of Ofosu-Asante. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

According to claim 29, the hard surface cleaning composition includes a soil swelling agent, a thickening system comprising synthetic smectite type clay thickening agent having an average platelet size of less than about 100 nm and a salt having a divalent cation.

In contrast, the primary references of Culshaw et al and Feng broadly teach cleaning compositions having organic components with chelating agents and fail to teach not only a divalent cation, but as previously noted, a composition having a soil swelling agent and a thickening system containing a synthetic smectite clay thickening agent having an average platelet size of less than about 100 nm. Ofosu-Asante broadly discloses a light-duty dishwashing detergent composition generally having a alkyl ethoxy surfactant, calcium or magnesium ions, and an alkylpolyethoxypolycarboxylate surfactant. However, Ofosu-Asante also teaches that without using an alkylpolyethoxypolycarboxylate surfactant in combination with either calcium or magnesium ions, unwanted precipitates will form during the storage of

the composition, thereby making it ineffective (col. 6, lines 60-65). Thus, one of ordinary skill in the art would not be motivated to use the ions of Ofosu-Asante in other detergent compositions.

The deficiencies of Culshaw et al, Feng and JP '597 are not resolved by Ofosu-Asante. Moreover, Culshaw et al, Feng and JP '597 in combination with Ofosu-Asante do not render the limitations of claim 29 obvious. Applicants find no teaching or suggestion by these references relating to hard surface cleaning compositions having a soil swelling agent, thickening system and a divalent cation as defined by claim 29. Rather, Culshaw et al, Feng and JP '597 merely teach methods and compositions for cleaning, while Ofosu-Asante discloses a narrow use of calcium or magnesium ions in a composition containing alkylpolyethoxypolycarboxylate surfactant, to prevent the formation of a precipitate in the light-duty cleaning detergent during storage. Further, the Examiner cannot pick and choose among individual elements of assorted parts of references to recreate the claimed invention, the Examiner has some burden to show some teaching or suggestion in references and to support their use in the particular claimed combinations. *Smith-Kline Diagnostics, Inc. v. Helena Laboratories, Corp.*, 8 U.S.P.Q.2d 1468, 1475 (Fed. Cir. 1988) (citation omitted). As such, the combination of these references fails to teach or suggest a cleaning composition as set forth in claim 29.

It is therefore submitted that the cleaning compositions as defined by claim 29 are non-obvious over and patentably distinguishable from Culshaw et al, Feng and JP '597 in combination with Ofosu-Asante and the rejection of claim 29 under 35 U.S.C. § 103 has been overcome. Reconsideration is respectfully requested.

Claim 36 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Culshaw et al in view of JP '597 or Feng in view of Culshaw et al and JP '597 as applied to previous claims, and further in view of WO 99/19441 (hereinafter referred to as "WO '441"). The

Examiner relied on his earlier assertions regarding the disclosures of Culshaw et al and Feng, and asserted that WO '441 teaches a cleaning and disinfecting composition which provides effective cleaning, disinfecting and shine performance, where the composition comprises a surfactant system and antimicrobial compounds and/or a peroxygen bleach. Furthermore, the Examiner alleged that WO '441 further discloses a composition which may be packaged in a spray dispenser, preferably a spray dispenser with a trigger.

However, as will be set forth in detail below, it is submitted that the hard surface cleaning product as defined by claim 36 is non-obvious over and patentably distinguishable from Culshaw et al, Feng and JP '597 in view of WO '441. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

According to claim 36, the hard surface cleaning product includes a cleaning composition as recited in claim 1 and a spray dispenser, wherein spray droplets from the spray dispenser have an average equivalent geometric diameter from about 3 μm to about 10 μm , as measured using a TSI Aerosizer.

In contrast, the primary references of Culshaw et al and Feng broadly teach cleaning compositions having organic components with chelating agents and fail to teach not only a spray dispenser, but as previously noted, a composition having a soil swelling agent and a thickening system containing a synthetic clay thickening agent having an average platelet size of less than about 100 nm. WO '441 broadly discloses a cleaning and disinfecting composition having a surfactant system comprising an amine oxide, a short chain alkyl sulphate surfactant and a long chain alkyl sulphate surfactant. WO '441 also discloses that pH values for the compositions taught in WO '441 are less than 9 (See examples in WO '441).

The deficiencies of Culshaw et al, Feng and JP '597 are not resolved by WO '441. Moreover, Culshaw et al, Feng and JP '597 in combination with WO '441 do not render the limitations of claim 36 obvious. Applicants find no teaching or suggestion by these

references relating to hard surface cleaning products having a composition with a soil swelling agent and thickening system and a spray dispenser as defined by claim 36. Rather, Culshaw et al, Feng and JP '597 merely teach methods and compositions for cleaning, while WO '441 discloses a broad combination of surfactants for the surfactant system. The combination of these references fails to teach or suggest a cleaning composition as set forth in claim 36, particularly where the composition provides a combination of good sprayability and cling, when applied to soiled surfaces. As noted above, the Examiner cannot pick and choose among individual elements of assorted parts of references to recreate the claimed invention, the Examiner has some burden to show some teaching or suggestion in references and to support their use in the particular claimed combinations. *Smith-Kline Diagnostics, Inc. v. Helena Laboratories, Corp.*, supra. As such, the combination of these references fails to teach or suggest a cleaning composition as set forth in claim 36.

It is therefore submitted that the cleaning products as defined by claim 36 are non-obvious over and patentably distinguishable from Culshaw et al, Feng and JP '597 in combination with WO '441 and the rejection of claim 36 under 35 U.S.C. § 103 has been overcome. Reconsideration is respectfully requested.

Claims 1-29 and 36 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14-23 and 32-37 of U.S. Patent Application Serial No. 10/253,113, claims 31-32 of U.S. Patent Application Serial No. 09/909,233, claims 22-23 of U.S. Patent Application Serial No. 10/109,344, claim 77 of U.S. Patent Application Serial No. 09/909,403 and claim 80 of U.S. Patent Application Serial No. 09/910,281. Due to the provisional nature of these rejections, Applicants traverse, and respectfully request reconsideration.

It is believed that the above amendments and remarks represent a complete response to the Examiner's rejections under 35 U.S.C. §§ 103 and 112, second paragraph, placing the

present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Clayton L. Kuhnell", positioned above a horizontal line.

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